

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

CURTIS TORBERT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	3:06cv410-MHT
	)	
MERCK & CO., INC., a	)	
New Jersey Corporation,	)	
	)	
Defendant.	)	

ORDER

The allegations of the plaintiff's complaint are insufficient to invoke this court's diversity-of-citizenship jurisdiction. The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C. § 1332.

The plaintiff's complaint fails to meet this standard. The complaint gives the "residence" rather than the "citizenship" of plaintiff Curtis Torbert. An allegation that a party is a "resident" of a State is not

sufficient to establish that a party is a "citizen" of that State. Delome v. Union Barge Line Co., 444 F.2d 225, 233 (5th Cir.), cert. denied, 404 U.S. 995 (1971).

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until May 30, 2006, to amend the complaint to allege jurisdiction sufficiently; otherwise this lawsuit shall be dismissed without prejudice.

DONE, this the 17th day of May, 2006.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE